

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

IN RE:	§	
	§	
HIGH PLAINS RADIO NETWORK, LLC,	§	CASE NO. 24-70089-swe
	§	(Chapter 11, SubV)
	§	
	§	
DEBTOR.	§	<u>HEARING SET: MAY 28, 2024, 1:30 p.m.</u>
	§	Dallas Texas

**MOTION OF DEBTOR TO EMPLOY BUSINESS BROKER AND GRANT
RELATED RELIEF**

NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT EARLE CABELL FEDERAL BUILDING, 1100 COMMERCE ST., RM. 1254, DALLAS, TX 75242-1496. BEFORE CLOSE OF BUSINESS ON MAY 22, 2024, WHICH IS AT LEAST 21 DAYS FROM THE DATE OF SERVICE HEREOF.

ANY RESPONSE SHALL BE IN WRITING AND FILED WITH THE CLERK, AND A COPY SHALL BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED A HEARING MAY BE HELD WITH NOTICE ONLY TO THE OBJECTING PARTY.

IF NO HEARING ON SUCH NOTICE OR MOTION IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.

TO THE HONORABLE SCOTT W. EVERETT, U.S. BANKRUPTCY JUDGE:

High Plains Radio Network, LLC, debtor and debtor in possession (the “Debtor” or “HPRN”), files this *Motion to Employ Business Broker and Grant Related Relief* (the “Broker Motion”) and in support thereof would show the Court the following.

INTRODUCTION

1. HPRN seeks entry of a final order approving of the retention of an experienced radio industry broker and the authority to pay the broker upon the closing of any transactions in accordance with the brokerage agreement and as may be approved by the Court.

2. HPRN files this motion and, for the time being, contemplates a sale process with or without the leases of Vertical Bridge in light of the pleadings filed by Vertical Bridge on April 29-30, 2024. It is up to Vertical Bridge to decide whether it wishes to be a constructive part of a sales process.

JURISDICTION AND VENUE

3. This Court has jurisdiction over this Motion pursuant to Sections 327, 328 and/or 1101 et seq. of the United States Bankruptcy Code, Title 11 of the U.S. Code, 11 U.S.C. §101 et seq. (the “Code” or “Bankruptcy Code”), and Rules 2014 and 9014 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules” or individually a “Bankruptcy Rule”), and 28 U.S.C. §§157 and 1334.

4. This matter constitutes a core proceeding under 28 U.S.C. §157(b).

5. Venue is proper under 28 U.S.C. §§1408 and 1409.

6. The Court has constitutional authority to decide this Motion under *Stern v. Marshall*, 564 U.S. 462 (2011) and its progeny.

FACTUAL BACKGROUND

The identity and background of the Debtor and Debtor in Possession.

7. HPRN owns and operates a chain of rural AM and FM radio stations in parts of Texas, Oklahoma, and Arkansas.

The Commencement of the Bankruptcy Cases.

8. On March 26, 2024, HPRN commenced the above-captioned Chapter 11 case by filing a voluntary petition.

9. HPRN commenced this case primarily as a result of ongoing difficulties with various tower leases and challenges in the rapidly evolving radio industry.

Factual background in support of the relief requested.

10. HPRN may in the coming days file a motion to approve bid procedures and subsequently to conduct a Code §363 sale process of certain property of the Debtor, free and clear of all liens, claims, encumbrances, and other interests, with the proposed assumption of and assignment of leases and contracts with respect to certain broadcasting equipment, licenses, tower leases and executory contracts (collectively, the “Subject Property”).

11. HPRN desires to employ Media Specialty Group Inc. as broker, led by Bill Whitley (the “Broker”) to market the Subject Property and to conduct the upcoming sales process contemplated by the Debtor.

12. HPRN believes that the Broker possesses the qualifications, skills, and experience necessary to assist with the marketing of the Subject Property and to conduct the sales process.

13. A copy of the proposed Engagement Agreement between the Broker and HPRN is attached hereto as **Exhibit H014**.¹

14. The Declaration of Bill Whitley is attached hereto as **Exhibit H015** regarding the disinterestedness between MSG and the Debtor.

15. The website biography of Bill Whitley is attached hereto as **Exhibit H016** regarding the disinterestedness between MSG and the Debtor.

¹ As of this filing, the Debtor and MSG are working on the final version of the Engagement Agreement. The Engagement Agreement, Exhibit H014 will be filed as a supplement to the Motion and served to the ECF notice parties and any other parties requesting a copy.

16. Debtor discloses that MSG previously transacted one or more of the stations among the Subject Property including acting as the sell-side broker on one more acquisitions by HPRN. No debts exist relating to the prior work.

17. HPRN believes that the Engagement Agreement is straightforward, fair, and reasonable, and is typical for the radio industry.

18. Debtor has consulted with Vertical Bridge, the alleged lessor of some of the cell towers, which has agreed with the choice of the Broker to conduct and/or assist in the Code § 363 sales process.

RELIEF REQUESTED

19. HPRN respectfully requests that the Court enter a final order approving the retention of the Broker and approval of the Engagement Agreement, including that the fees and commission structure as specified therein may be paid by HPRN at closing of any eligible transaction.

20. A proposed form of Order is submitted with this Motion and is incorporated herein.

BASIS OF RELIEF

21. Code §§ 327(a) and 328(a) provide that a debtor, subject to Court approval, may employ one or more attorneys, accountants, appraisers, auctioneers, or other professional persons, that do not hold or represent an interest adverse to the estate, and that are disinterested persons, to represent or assist the Debtor in carrying out the Debtor' duties under this title. Bankruptcy Rule 2014(a) provides that an “order approving the employment of attorneys, accountants, appraisers, auctioneers, agents, or other professionals pursuant to §327 . . . of the Code shall be made only on application of the trustee or committee.” Bankruptcy Rule 2014 requires that an application for retention of a professional includes specific facts showing the

necessity for employment, the name of the firm to be employed, the reasons for the selection, the professional services to be rendered, any proposed arrangement for compensation, and to the best of the applicant's knowledge, all of the firm's connections with the debtor, creditors, any other party in interest, their respective attorneys and accounts, the U.S. Trustee, or any person employed in the office of the U.S. Trustee.

22. Courts generally hold that property and business brokers are “professionals” pursuant to Code § 327 when acting on behalf of the debtor to sell property of the debtor. *See F/S Airlease II, Inc. v. Simon*, 844 F.2d 99, 108 (3d Cir. 1999) (“a Business Broker, like an attorney, is a professional”); *Indian River Homes, Inc. v. Sussex Trust Co.*, 108 B.R. 46, 50 n.12 (D. Del. 1989) (“Bankruptcy courts routinely hold that Business Brokers are professional persons for purposes of § 327(a)”; *In re Channel 2 Associates*, 88 B.R. 351, 352 (Bankr. D.N.M. 1988); *In re 31-33 Corp.*, 100 B.R. 744, 746 (Bankr. E.D. Pa. 1989).

23. The continued successful administration of this case requires the service of an experienced broker with experience in the radio industry.

24. Pursuant to the Engagement Agreement, and subject to this Court's approval, the Debtor has retained the Broker to market the Subject Property for sale and/or lease. The employment of the Broker is necessary to ensure that the Subject Property is marketed to the fullest extent possible so as to maximize its value for the benefit of the Debtor's estate and creditors.

25. The Debtor selected the Broker because of its extensive experience in rendering these services.

26. The retention of the Broker will place in the hands of the Broker an experienced business broker in this industry who is best able to market, and then sell, the Subject Property,

subject to Bankruptcy Court approval. The fees and commission structure in the Engagement Agreement benefits the Debtor inasmuch as the Broker will receive compensation based solely on his results, and will be paid at the closing of the sales or other transactions approved by the Court.

CONCLUSION AND PRAYER

WHEREFORE, High Plain Radio Network, LLC, debtor and debtor in possession, respectfully requests that the Court that the Court authorize and approve the retention of Media Services Group LLC as set forth in this Motion and the Engagement Agreement. Debtor request such other and further relief to which Debtor is entitled at law or in equity.

Dated: May 1, 2024

Respectfully submitted:

WEYCER, KAPLAN, PULASKI & ZUBER, P.C.

By: /s/ Jeff Carruth
JEFF CARRUTH (TX SBN: 24001846)
2608 Hibernia, Suite 105
Dallas, TX 75204-2514
Telephone: (713) 341-1158
Fax: (713) 961-5341
E-mail: jcarruth@wkpz.com

PROPOSED ATTORNEYS FOR
HIGH PLAINS RADIO NETWORK, LLC,
DEBTOR AND DEBTOR IN POSSESSION

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served on May 1, 2024 (1) by electronic notice to all ECF users who have appeared in this case to date, and/or as set forth below and (2) by regular mail to all parties appearing in the attached service list.

COPIES OF THE EXHIBITS WERE NOT SERVED BY REGULAR MAIL. PLEASE CONTACT THE UNDERSIGNED IF YOU WISH TO RECEIVE THE EXHIBITS.

/s/Jeff Carruth

Jeff Carruth

ECF SERVICE LIST

24-70089-swe11 Notice will be electronically mailed to:

Jeffery D. Carruth on behalf of Debtor High Plains Radio Network, LLC

jcarruth@wkpz.com,

jcarruth@aol.com; atty_carruth@trustesolutions.com; carruthjr87698@notify.bestcase.com; ATTY_CARRUTH@bluestylus.com; jcarruth@ecf.courtdrive.com

Paul H. Cross on behalf of Creditor Hanmi Bank phclease@msn.com

Shanna M. Kaminski on behalf of Interested Party Union Funding Source, Inc. skaminski@kaminskilawpllc.com

Sherrel K. Knighton on behalf of Creditor Malakoff ISD Sherrel.Knighton@lgbs.com, [Dora.Casiano-](mailto:Dora.Casiano-Perez@lgbs.com)

Perez@lgbs.com; Sean.French@lgbs.com; Eva.Parker@lgbs.com; Alexis.Hall@lgbs.com; Dallas.Bankruptcy@lgbs.com

Matthew F. Kye on behalf of Creditor Amur Equipment Finance, Inc. mkye@kyelaw.com, dsullivan@kyelaw.com

Julie Anne Parsons on behalf of Creditor Eastland County Appraisal District jparsons@mvalaw.com,

kalexander@mvalaw.com; theresa.king@mvalaw.com; juanie.montalvo@mvalaw.com

Julie Anne Parsons on behalf of Creditor The County of Henderson, Texas jparsons@mvalaw.com,

kalexander@mvalaw.com; theresa.king@mvalaw.com; juanie.montalvo@mvalaw.com

Julie Anne Parsons on behalf of Creditor The County of Stephens, Texas jparsons@mvalaw.com,

kalexander@mvalaw.com; theresa.king@mvalaw.com; juanie.montalvo@mvalaw.com

Scott M. Seidel -SBRA V scott@scottseidel.com, csms11@trustesolutions.net; susan.seidel@earthlink.net

Dawn Whalen Theiss on behalf of Creditor Small Business Administration dawn.theiss@usdoj.gov,

brooke.lewis@usdoj.gov; CaseView.ECF@usdoj.gov

United States Trustee ustpreion06.da.ecf@usdoj.gov

David Weitman on behalf of Creditor Vertical Bridge REIT, LLC david.weitman@klgates.com

SERVICE LIST

A	B	C	D	E	F	G	H	I
1	SERVICE LIST	Case No. 22-51323	In re: KuberExami, LLC			UPDATED:	4/30/2024	
2	C:\Users\jcaruth\WD Office Echo\VAULT_C55\ZTIV\service list (hpm) 001 4878-4499-4995 v.8.xlsx Sheet1							
	Name	Address1	Address2	Address3	City	State	Zip	Email
								Method of Service / Comment
3	BMI	PO Box 630893			Cincinnati	OH	45263-0893	Regular Mail
4	Broadcase Music, Inc.	2 World Trade Center	250 Greenwich St		New York	NY	10007	NOA ECF
5	Bryn Mawr Equipment Finance Inc.	801 Lancaster Avenue			Bryn Mawr	PA	19010-3305	Regular Mail
6	Channel Partners Capital LLC	Airtel Legal Department	1111 E. College Drive	Suite 200	Marshall	MN	56258-1968	Regular Mail
7	City of Altus	509 S Main St			Altus	OK	73521-3135	Regular Mail
8	City of Friona	623 Main St			Friona	TX	79035	Regular Mail
9	City of Hereford	PO Box 2277			Hereford	TX	79045-2277	Regular Mail
10	City of Plainview	502 W 5th			Plainview	TX	79072-8232	Regular Mail
11	City of Vernon	1725 Willbarger St			Vernon	TX	76384-4741	Regular Mail
12	Crest Capital	PO Box 88233			Atlanta	GA	30356-8233	Regular Mail
13	CT Corp. Sys.	Airtel: SPIS	330 N Brand Blvd		Glendale	CA	91203-2308	Regular Mail
14	D&D Telecommunications	PO Box 6988			Abilene	TX	79608	Regular Mail
15	Eastland County Appraisal District	c/o Julie Parsons	McCreary, Veselka, Bragg & Allen, P.C.	P.O. Box 1269	Round Rock	TX	78680-1269	NOA ECF
16	Eastland County Appraisal District	c/o Julie Anne Parsons	McCreary, Veselka, Bragg & Allen, P.C.	PO Box 1269	Round Rock	TX	78680-1269	NOA ECF
17	Entergy Utility	PO Box 8105			Baton Rouge	LA	70891-8105	Regular Mail
18	Federal Communications Com.	45 L Street NE			Washington	DC	20554-0001	Regular Mail
19	Financial Agent Services	PO Box 2576			Springfield	IL	62708-2576	Regular Mail
20	Hunt State Bank Athens	PO Box 471			Athens	TX	75751-0471	Regular Mail
21	Global Music Rights	1801 W Olympic Blvd			Pasadena	CA	91109-2180	Regular Mail
22	Hannet Bank	5403 Olympic Dr. #200			Gig Harbor	WA	98335-1853	NOA ECF
23	Hannet Bank	1107 E Pioneer Parkway			Arlington	TX	76010-5866	NOA ECF
24	Hannet Bank	Airtel: Paul Cross Esq.	11300 N. Central Expressway Ste. 604		Dallas	TX	75243	NOA ECF
25	Hannet Bank	11300 North Central Expressway	Suite 604		Dallas	TX	75243	NOA ECF
26	Hannet Bank	14201 Memorial Dr			Houston	TX	77079-6731	Regular Mail
27	High Plains Radio Network, LLC	PO Box 3419			Vernon	TX	76385-3419	Regular Mail
28	Hitchell Capital America Corp.	7808 Creekside Circle	Suite 200		Edina	MN	55439-2647	Regular Mail
29	Internal Revenue Service	Centralized Insolvency Operation	PO Box 7317		Philadelphia	PA	19101-7317	Regular Mail
30	Jeffery D. Carruth	Weycer Kaplan Pulaski & Zuber, P.C.	2608 Hibernia	Suite 105	Dallas	TX	75204-2514	Regular Mail
31	Liberty Mutual Insurance	175 Berkeley Street			Boston	MA	02116-3350	Regular Mail
32	LIR Systems	PO Box 7233			Abilene	TX	79608	Regular Mail
33	McFund Solutions	89 Wall St #2613			New York	NY	10005-4301	Regular Mail
34	M Properties	2627 West Road			Mtn Home	AR	72653	Regular Mail
35	Malakoff ISD	Linebarger Goggin Blair & Sampson, LLP	2777 N. Stemmons Freeway, Suite 1000		Dallas	TX	75207	NOA ECF
36	Malakoff ISD	Linebarger Goggin Blair & Sampson, LLP	c/o Sherrel K Knighton	2777 N Stemmons Frey, Ste. 1000	Dallas	TX	75207-2328	NOA ECF
37	Marlin Lease Corp	300 Fellowship Rd			Mount Laurel	NJ	08054	Regular Mail
38	Marlin Leasing Corp	300 Fellowship Rd			Mount Laurel	NJ	08054-1727	Regular Mail
39	Media Facilities	1730 Dell Range Blvd. #418			Cheney	WY	82009-4961	Regular Mail
40	Meridian	367 Eagleview Blvd.			Exton	PA	19341-1156	Regular Mail
41	Meridian Equipment Finance LLC	9 Old Lincoln Highway			Malvern	PA	19355-2551	Regular Mail
42	Meridian Equipment Finance, LLC	c/o Salidutti Law Group	1040 King Highway N, Ste. 100		Cherry Hill	NJ	08034	NOA ECF
43	Midland States Bank	1801 Park 270 Drive	Suite 200		St. Louis	MO	63146-4022	Regular Mail
44	Mitsubishi HC	7201 Metro Blvd. Ste 800			Edina	MN	55439-1333	Regular Mail
45	Mitsubishi HC Capital America, Inc.	c/o Jason Sellers	825 Nicollet Mall, Suite 1608		Minneapolis	MN	55402	NOA ECF
46	Monte Spearman	5837 Silverwood Dr.			Johnstown	CO	80534	direct email
47	Monte Spearman	PO Box 3649			Palestine	TX	75802	Regular Mail
48	New Lane Fin. B-M	801 Lancaster Ave			Bryn Mawr	PA	19010-3305	Regular Mail
49	North Arkansas Electric	PO Box 1000			Salem	AR	72576-1000	Regular Mail
50	Optimum Telephone	1111 Stewart Ave.			Rethpage	NY	11714-3541	Regular Mail
51	Panner	1801 Automation Way #207			Fort Collins	CO	80523-5735	Regular Mail
52	SBA Covid-19 Disaster Loan	PO Box 3918			Portland	OR	97208-3918	NOA ECF
53	Scott M. Seidel - SBRA V	Seidel Law Firm	6505 West Park Blvd	Suite 306	Plano	TX	75093-6212	NOA ECF
54	SecureNet	101 N Federal HWY Ste 601			Boca Raton	FL	33432-3969	Regular Mail
55	SE SAC	PO Box 5246			New York	NY	10008-5246	Regular Mail
56	South Plains Communications	5811 34th St			Lubbock	TX	79409	Regular Mail
57	Summit	4680 Parkway Dr #300			Mason	OH	45040-7979	Regular Mail
58	Summit Natural Gas	PO Box 676358			Dallas	TX	75267-6358	Regular Mail
59	Texas Comptroller	Rev Acct Div - Bankruptcy Section	PO Box 13528		Austin	TX	78711-3528	Regular Mail
60	The County of Henderson, Texas	c/o Julie Anne Parsons	McCreary Veselka Bragg & Allen, P.C.	P.O. Box 1269	Round Rock	TX	78680-1269	NOA ECF
61	The County of Henderson, Texas	c/o Julie Anne Parsons	McCreary, Veselka, Bragg & Allen, P.C.	PO Box 1269	Round Rock	TX	78680-1269	NOA ECF
62	The County of Stephens, Texas	c/o Julie Anne Parsons	McCreary Veselka Bragg & Allen, P.C.	P.O. Box 1269	Round Rock	TX	78680-1269	NOA ECF

	A	B	C	D	E	F	G	H	I
1	SERVICE LIST	Case No. 22-51323	In re: Kuberlaxmi, LLC				UPDATED:	4/30/2024	
2	C:\Users\jcorruth\ND Office Echo\VAULT-C95LZ1Y\service list (hprn) 001 4878-4499-4995 v.8.xlsx	Sheet1							
3	Name	Address1	Address2	Address3	City	State	Zip	Email	Method of Service / Comment
64	The County of Stephens, Texas	c/o Julie Anne Parsons McCreary, Veselka, Bragg & Allen, P.C.	PO Box 1269		Round Rock	TX	78680-1269	julie.parsons@mbalaw.com	NOA-ECF
65	The Fundworks	299 S. Main St. #1300			Salt Lake City	UT	84111-2241		Regular Mail
66	The Fundworks LLC	c/o Dedicated Financial GBC	4000 Lexington Ave N, Suite 125		Shoreview	MN	55126	bankruptcy@dedicatedfb.com	NOA-ECF
67	Titan Tower	PO Box 6972			Abilene	TX	79608		Regular Mail
68	Turbo Capital	2308 N Market St			Wilmington	DE	19802-4230		Regular Mail
69	TXU Utility	PO Box 60638			Dallas	TX	75265-0638		Regular Mail
70	U.S. Bank Equipment Finance	1310 Madrid Street			Marshall	MN	56258-4099		Regular Mail
71	U.S. Small Business Admin	150 Westpark Way	Suite 130		Eufless	TX	76040	rebekah.osullivan@sba.gov	NOA-ECF
72	U.S. Small Business Administration	1545 Hawkins Blvd Ste 202			El Paso	TX	79925-2654		NOA-ECF
73	U.S. Small Business Administration	c/o Dawn Whalen Theiss	1100 Commerce St Ste 300		Dallas	TX	75242	dawn.theiss@usdof.gov	NOA-ECF
74	United First LLC	2999 NE 191st St			Miami	FL	33180-3123		Regular Mail
75	United Funding	1835 E. Hollandale Beach BLVD			Hollandale Beach	FL	33009-4619		NOA-ECF
76	United Funding	Shanna M. Kaminski	Kaminski Law, PLLC	P.O. Box 247	Grass Lake	MI	49240	skaminski@kaminskilawpllc.com	NOA-ECF
77	United States Trustee	1100 Commerce Street	Room 976		Dallas	TX	75242-0996	erin.schmidt2@usdoj.gov	NOA-ECF
78	Verizon Cell Phone	PO Box 660108			Dallas	TX	75266-0108		Regular Mail
79	Vertical Bridge REIT LLC	750 Park of Commerce Dr #200			Boca Raton	FL	33487-3650		NOA-ECF
80	Vertical Bridge REIT LLC	Brandy A. Sargent	K&L Gates	One SW Columbia St., Ste 1900	Portland	OR	97204	brandy.sargent@klgates.com	NOA-ECF
81	Vertical Bridge REIT LLC	David Weitman	K&L Gates	1717 Main Street Suite 2800	Dallas	TX	75201	david.weitman@klgates.com	NOA-ECF
82	Xcel Energy	Attn Bankruptcy Department	Po Box 9477		Minneapolis	MN	55484-0001		Regular Mail
83	Zula Com	PO Box 3649			Palestine	TX	75802-3649		direct email

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

IN RE:	§	
	§	
HIGH PLAINS RADIO NETWORK, LLC,	§	CASE NO. 24-70089-swe
	§	(Chapter 11, SubV)
DEBTOR.	§	
	§	

**FINAL ORDER GRANTING MOTION OF DEBTOR TO EMPLOY
BUSINESS BROKER AND GRANT RELATED RELIEF (RE: DOCKET
NO. 71)**

On May 28, 2024 the Court conducted a hearing regarding the *Motion of Debtor to Employ Business Broker and Grant Related Relief* (Docket No. 71) (the “Motion”) filed herein on May 1, 2024 by High Plains Radio Network, LLC, debtor and debtor-in-possession (“HPRN” or the “Debtor”). The Court finds and concludes that the Motion contained the appropriate notices under the Bankruptcy Local Rules; according to the certificate of service attached to the Motion, the Motion was served upon the parties entitled to receive notice under the Bankruptcy Local Rules; no party in interest filed a response or objection to the Motion or any such response or objection is overruled by this Order; and that upon review of the record of this case and with respect to the Motion that cause exists to grant the relief requested therein.

IT IS THEREFORE ORDERED THAT:

1. The Motion is GRANTED as set forth herein.

2. Capitalized terms not otherwise defined herein shall have the same meaning as ascribed to such terms in the Motion.
3. The retention of Media Services Group Inc., Bill Whitley principal (the “Broker”), by the Debtor as the broker of the Debtor as set forth in the Engagement Agreement, Exhibit H012, is approved effective as of April 2, 2024.
4. The payment of any fees or commissions to the Broker shall be paid at the closing of any sale or other transactions approved by the Court.

###END OF ORDER###

Submitted by:
Jeff Carruth (TX SBN: 24001846)
WEYCER, KAPLAN, PULASKI & ZUBER, P.C.
2608 Hibernia, Suite 105
Dallas, TX 75204-2514
Telephone: (713) 341-1158
Fax: (713) 961-5341
E-mail: jcarruth@wkpz.com
ATTORNEYS FOR
HIGH PLAINS RADIO NETWORK, LLC,
DEBTOR AND DEBTOR IN POSSESSION

**ENGAGEMENT AGREEMENT – TO BE FILED AS SUPPLEMENT AND SERVED TO
THE E.C.F NOTICE PARTIES AND OTHERWISE AVAILABLE UPON REQUEST**

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

IN RE:	§	
HIGH PLAINS RADIO NETWORK, LLC,	§	CASE NO. 24-70089-swe
	§	(Chapter 11, SubV)
DEBTOR.	§	

DECLARATION OF BILL WHITLEY

Pursuant to 28 U.S.C. § 1746 and Bankruptcy Rule 2014, Bill Whitley, hereby declares the following under penalty of perjury of the laws of the United States that the following statements are true and correct.

1. My name is Bill Whitley. I am more than twenty-one (21) years of age and am competent and authorized to make this declaration. I have personal knowledge of the facts set forth herein and they are true and correct.
2. I am a broker associated with and principal of Media Specialty Group Inc. ("MSG" or the "Broker"). My curriculum vitae is attached hereto as **EXHIBIT H016**.
3. This declaration was prepared and is being submitted as an exhibit to the *Motion to Employ Broker* (the "Broker Motion") filed in the above-captioned Chapter 11 bankruptcy case by High Plains Radio Network, LLC, debtor and debtor in possession ("HPRN" or the "Debtor"). Unless otherwise defined herein, capitalized terms shall have the same meaning in this Declaration as ascribed to such terms in the Broker Motion.
4. HPRN has asked MSG to represent HPRN to market the Subject Property for one or more potential sale and/or lease transactions.
5. Neither I nor MSG, nor its employees, insofar as I have been able to ascertain, holds or represents any interest adverse to the Debtor, or its estate in the matters upon which MSG is to be engaged.
6. Neither I nor MSG, insofar as I have been able to ascertain based on MSG's review to date, has any connection with the Debtor, its creditors, or any other party in interest herein, or their respective attorneys or accountants.
7. Neither I, MSG, nor its employees, insofar as I have been able to ascertain, holds or represents any interest adverse to the Debtor, its creditors, or any other party in interest herein, or their respective attorneys or accountants,

FURTHER DECLARANT SAYETH NOT


DATED: May 1, 2024


MEDIA SERVICES GROUP INC.
By: /s/ Bill Whitley
Bill Whitley, Principal



Bill Whitley

 **whitley@mediaservicesgroup.com**

 **972-231-4500**

 **972-231-4509**

Bill Whitley has been in the broadcast brokerage field for over thirty years. Headquartered in Dallas, Whitley has been active on a nationwide basis with an emphasis on media properties in the southwest. Whitley joined Chapman Associates, a nationally recognized media brokerage firm, in 1978. Whitley formed his own firm, Whitley Media, in 1990. In 1998, Whitley Media merged with Media Services Group.

During his career Whitley has completed over \$300,000,000 in broadcasting transactions and personally handled an estimated three hundred and fifty appraisal assignments.

Prior to his brokerage career, Whitley had extensive experience in the broadcasting industry in television production in Dallas-Fort Worth. In radio Whitley held sales and management positions in Temple, Dallas, and Little Rock.

Whitley holds his Bachelor's and Master's degrees in Radio-Television from Texas Christian University. He served for several years as an adjunct faculty member of the broadcasting department of Southern Methodist University.

Whitley has completed appraisal assignments for numerous financial institutions and broadcasters. He has appraised TV properties in markets including Laredo, TX; Montgomery, AL; Roanoke, VA; and Rockford, IL. Radio station markets appraised by Whitley include: Dallas, Houston, Sherman, TX; Albuquerque, NM; Little Rock, AR; and Shreveport, LA.

Whitley has handled transactions nationally, including station sales in Hawaii, California, Arizona, Mississippi, and Missouri, as well as Texas, Oklahoma, New Mexico and Arkansas.

Whitley has also served as a receiver for broadcast properties in Texas and Louisiana. He has worked with trustees, debtors, creditors and the courts in Chapter 11, Chapter 7, receiverships, and foreclosure proceedings in both a consultant and broker role.

Whitley has served as an expert witness in court proceedings relative to broadcast station values in Texas, New Mexico and Arkansas. He has served as a guest lecturer at several universities and has been a panelist on valuation seminars for state broadcast associations.

▶ [Radio & TV Brokerage](#)

▶ [Tower Brokerage](#)

▶ [Valuations](#)

▶ [Financing](#)

▶ [Consulting](#)

▶ [For Sale](#)

Radio & TV Brokerage

Media Services Group provides brokerage services for radio stations, television stations, cell towers, and new media businesses. Our team will work with you during the transaction process to maximize your return for the current market conditions.

[Read More »](#)